

**HISTORIC DISTRICT COMMISSION
MARCH 17, 2011 MINUTES**

The Historic District Commission met in the Town Hall meeting room at 7 pm.
Attending: Chair James Ramsay, Helen Rowe, Neil Benner, Alternates Katie Kennedy and Doug Chabinsky, Selectman's representative Tom Grella and Planning Board representative Sally Wilkins. Chair asked Katie to vote in place of Beth Davis and Doug to vote in place of Jim Emmond.

Scott Adams, 40 Courthouse Rd, appeared before the board to discuss his desire to place a temporary structure, commonly called a hoop house, as a greenhouse on his property (behind the existing garden area). He had come in last year to discuss a greenhouse and the board had indicated it would approve a wood-and-glass greenhouse, which is not practical for him. He knows that temporary structures are typically not regulated and not subject to building permits, but he wondered how the HDC would feel about it.

The proposed location is about 100' beyond the apple trees – it will be very visible from Courthouse Road and from the abutters. The structure consists of a metal frame covered with thick transparent plastic. Scott brought photographs of the same kind of structure currently in use in Wilton.

Doug asked what size the proposed structure would be. Scott said 30'x100', and the hoops are 16' high at the peak.

The farmer who farms Scott's land has found the amount of degradation from birds and wildlife makes it an impractical place to grow market vegetables. Sally asked if floating row cover wouldn't be easier. Scott said the greenhouse gives a longer season extension as well as serving as a wildlife barrier. He anticipates it will be in use from April through November.

Jamie asked what color the plastic is. Scott – it's transparent, it looks opaque in the photographs because it has snow on it.

Neil wondered what the abutters might think of this proposal. Based on their reactions to a deer fence he put up last year, Scott anticipates that one abutter will have no problem with the greenhouse and the other will protest vociferously.

Neil asked if Scott could not use the land for farming would it be sub dividable. Scott- It would certainly make one house lot. Probably not two as there is too much wetland.

Neil - Could the structure be screened somehow with trees or shrubs? Scott states probably not without making the land unsuitable for farming.

Jamie – the Commission is always concerned about precedent-setting. Would it be a problem to have these all over the village? Although there are not many lots similar to this one.

Neil would like to do a site walk, once the snow is gone. Scott states that there is no rush, it would probably put the frame up in fall 2011 but not cover it until spring 2012. He will extend the power and water to it underground. Tom observed that he has power and water in that field now. Yes – there is a pole in the middle of the lot.

Sally inquired whether the HDC even regulates temporary structures. A general discussion about sheds and similar structures in the village follows. Sally believes this is allowed as an accessory to agricultural use under state law, and Amherst zoning explicitly allows for farming in any zone. She recommended Scott speak with Charlie, as she knows of another farmer in town who was told he needed a building permit for a hoop house – even though the International Building Code explicitly exempts them. Scott indicated he would talk to Charlie and thanked the board for its time.

Fact-finding discussion regarding reported violations – Jamie received an email from another member of the board reporting two projects under construction which appear to be not in compliance with their approvals. Minutes and plans from the July 2010 meeting were reviewed.

Allen house – the west elevation was discussed but a vote on it was tabled for future review. Applicant never came back in, so no changes to that side of the structure were approved. What has been constructed (large plate glass window) is not what was on the plans (which were not approved anyway). It is not appropriate for the age of the building and is quite visible. Jamie discussed the situation with Charlie who recommended the Commission write a letter to the owners asking them to apply for an after-the-fact permit for the changes.

General discussion about what kinds of enforcement ability the HDC has. In this case there is no Certificate of Occupancy required. Ultimately enforcement is the Selectman's responsibility and they are very reluctant to initiate legal actions, which obviously have costs. Doug observed that if we don't enforce the regulations, more and more people will disregard them.

Helen Rowe moved that Chair write a letter to the Allen requiring an application for the changes to the building be filed within 30 days. Also should mention that the builder indicated at the July meeting that they would come back to discuss the lighting, which could be included in this application. Doug Chabinsky seconded the motion. All voted in favor.

Neil wondered if the HDC shouldn't sign off on compliance before final inspection, he believes that the Commission has that authority. Jamie will discuss with Charlie.

Daniels 130 Amherst St.: a review also requested by a board member. Jamie read the minutes and showed the approved plans to the board. The new house was presented to the Commission as looking like a barn, barely visible from the road – the simulated photographs show a curving driveway winding through the trees on the lot. In fact the trees have been almost completely removed and the driveway is a straight shot up the lot.

In addition the application explicitly says the utilities will be underground, in fact they come in off the road overhead, and then go underground after one pole back.

This is a more difficult case to make – the approval didn't say, expressly, that only certain trees were to be cut or that the result would look like the simulations. On the other hand, they do need a Certificate of Occupancy so the Board has a concrete enforcement option. Could write a letter be written asking the owners to come in to discuss discrepancies?

General discussion – in the future the Commission should require that a proposed driveway be staked and trees to be cut be flagged for a site walk.

Doug Chabinsky moved that the Chair write a letter to the Daniels asking them to come to the Commission to discuss changes to the approved plan, with an indication that the Certificate of Occupancy will not be approved until the issues are resolved. All in favor.

Sally Wilkins moved to adjourn at 8:42 pm. All in favor.

Respectfully submitted,

Sally Wilkins